

MINUTES

WETLANDS BOARD

APRIL 14, 1993

A. ROLL CALL

ABSENT

John Hughes
David Gussman
Susan McCleary
Ralph Cobb

Henry Lindsey

OTHERS PRESENT:

Bernie Farmer

B. MINUTES

Minutes approved and adopted as presented.

C. NEW BUSINESS

W-08-93; Gordon Ivey/Colonial Water Ski Club

Mr. Farmer presented staff report stating that Gordon Ivey on behalf of the Colonial Water Ski Club has applied for a wetlands permit to construct 95 feet of tongue and groove bulkhead and four, 4 foot wide by 24 foot long, finger piers in a man made canal at 4122 S. Riverside Drive in the Chickahominy Haven subdivision. The property is further identified as parcel (1-16) and is found on James City County Real Estate Tax Map (19-2).

Mr. Farmer stated that the property in question consists of tidally influenced wetlands on a man made canal. Code Compliance visited the site on March 31, 1993. It is estimated that approximately 280 square feet of tidal Mud/Sand Flat Community (Type XV) would be impacted by this request. He further stated that there already exists two dilapidated finger piers and a ramp into the canal for launching and retrieving ski jump ramps. The bank of the canal shows a limited amount of erosion and undercutting from boat traffic and wave action. The proposal leaves the ramp entrance and 15 feet on the left shoreline unprotected. This may cause increased scouring along the upchannel side of the return wall. Staff recommends that a Wetlands permit be granted for the construction of a sixty foot long tongue and groove bulkhead with three return walls, two fifteen feet long and one five feet long, with the following conditions:

1. That a site plan be submitted showing the exact location of the proposed bulkhead at the toe of the bank in relation to fixed permanent reference points on the property.

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2. A building permit be obtained prior to commencing work and an inspection of the filter cloth, tiebacks, and bulkhead be conducted and approved by the Code Compliance Office prior to backfilling.

3. This permit shall expire April 14, 1994.

Dannie Winall with Waters Edge Construction stated that the new construction would tie into the existing bulkhead.

Mr. Hughes opened the public hearing.

Mr. Hughes stated that they needed to amend the proposed sixty foot to seventy-five feet.

Mr. Hughes closed the public hearing.

Ms. McCleary motioned to grant the permit with staff recommendations.

The permit was granted by unanimous vote.

W-09-93; Governor's Land Management Group, Inc.

Mr. Farmer presented staff report stating that Mr. Mike Kelly of Williamsburg Environmental Group, Inc. has applied on behalf of the owner, Governor's Land Management Group, Inc. for a wetlands permit to construct new culverts along a tidal wetlands driveway crossing. The property is along a private drive known as "Governor's Landing Road" and is parcel (1-16) found on James City Real Estate Tax Map (44-2).

Mr. Farmer stated that the property is located along the eastern boundary of the Governor's Land development and is presently being used for a driveway serving two homes. The area is tidally connected to Shellbank Creek. The applicant desires to improve the driveway and use it for a construction entrance while developing a portion of their planned community. There is evidence of failure or cracked pipe joints on the existing culvert, so some work would need to be done for replacement or repair of the culvert. Though it is possible that the work could be accomplished without requiring a permit (provided no additional wetlands are covered, maintenance of roads and drainage ways is generally allowed) staff advised the owners to make application. There was

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some thought at the time that improvements which might increase the tidal flow through the driveway would be beneficial to the habitat upstream.

Mr. Farmer further stated that an inspection of the site has shown that beaver activity at the upstream opening of the pipe has effectively cut off any tidal influence upstream of the driveway. About ten feet downstream of the driveway is an older, abandoned road bed which has a box culvert running through it. It is likely that any work done to the new culvert to increase flows would be quickly counteracted by beavers. If something were done to prevent beavers from damming the new culvert it is likely they would dam the old road bed culvert downstream. In any regard, staff does not believe the proposed work will result in any adverse impact on the existing wetlands. Staff recommends that the Board grant a permit for construction of the new culvert, its inlet and outlet protection, provided the road bed is not widened any further.

Mr. Hughes opened the public hearing.

Mike Kelly with the Williamsburg Environmental Group spoke on behalf of Governor's Land Management. He stated that the structural integrity of the existing pipe needed some work and that they would like to offer a replacement of (1) 24" culvert, instead of the proposed (2) 36" culverts.

Mr. Hughes asked Mr. Kelly how long it would take to complete the replacement of the culvert.

Mr. Kelly said that it would take one day, possibly two.

Mr. Hughes closed the public hearing.

Mr. Cobb moved to approve permit with staffs recommendations.

The permit was granted by unanimous vote.

D. OLD BUSINESS

W-37-92; W. Walker Ware, IV

Mr. Farmer told the board about contact with Mr. Ware. He stated that at this point staff does not have a signed agreement but would prefer to settle the matter through consent agreement and possible civil charge. He further stated that Mr. Ware is showing

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some sincerity on his part to address the matter of the violations to the satisfaction of the board.

The board agreed to continue this to the next Wetlands meeting.

E. MATTERS OF SPECIAL PRIVILEGE

None.

F. ADJOURNMENT

Mr. Hughes adjourned the meeting at 7:29pm.



**John Hughes
Vice-Chairman**

**Bernard M. Farmer, Jr.
Secretary**